

9/23/1991

MEMORANDUM OF AGREEMENT

To Resolve Dispute Initiated
Pursuant to Section 12.2 of the Federal
Facility Agreement for Naval Air Station
Brunswick, Maine.

WHEREAS, on 15 July 1991 the United States Navy issued a Draft Final Focused Feasibility Study (FS) prepared in association with installation restoration program actions at Naval Air Station Brunswick, Maine (NAS) being conducted pursuant to the Federal Facility Agreement (FFA) executed 19 October 1990, and

Whereas, section 6.2 of the FFA states in part, "The draft final primary document will become the final primary document either 30 days after issuance if dispute resolution is not invoked, or as modified by decision of the dispute resolution process", and

Whereas, the FS is such a primary document, and

Whereas, the State of Maine Department of Environmental Protection (DEP) and the United States Environmental Protection Agency (EPA) have communicated to the Navy certain concerns regarding the substance of the Draft Final FS and Navy responses to DEP and EPA comments, and

Whereas, the FFA does not provide for further revision to a draft final primary document except such revision that may come about following the initiation of dispute resolution as described in section 6.2 of the FFA, and

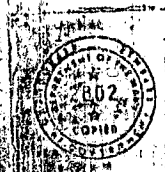
Whereas, all parties recognized that it is desirable for the Navy to issue a further draft FS in response to EPA and DEP concerns, but that in order for further draft FS review and comment to occur consistent with the FFA, it would be necessary for dispute resolution to be initiated,

Whereas, DEP initiated dispute resolution in accordance with section 12.2 of the FFA effective 14 August 1991, and

Whereas, on 22 August 1991 all parties were represented on a conference call to informally outline the terms of an agreement in resolution of the dispute, and

Whereas, the purpose of this Memorandum of Agreement is to provide a formal record of the resolution of the dispute and to terminate the dispute resolution process.

NOW THEREFORE, it is agreed that the dispute resolution process initiated by DEP on 14 August 1991 is hereby resolved, the process is hereby terminated and:



1. The Navy will prepare Written Responses to the issues raised by the DEP 14 August 1991 letter.
2. EPA and DEP will be provided with these responses.
3. After having an opportunity to review the Navy draft responses, a meeting will be held in Portland, Maine to discuss, pursuant to item #5 below, any pertinent remaining issues. The purpose of the meeting will be to reach a consensus on all unresolved issues.
4. Following the meeting described above, the Navy will prepare and reissue a revised draft final FS.
5. For purpose of the timetables described in the FFA the revised draft final FS will be treated as an original draft final primary document as set forth in section 6.2 of the FFA.

In addition, it is specifically agreed that upon reissue of the revised draft final FS all parties reserve all rights available to them pursuant the FFA including, but not limited to, further initiation of dispute resolution.

This memorandum of agreement reflects final agreement of the parties for all issues raised by the 14 August 1991 initiation of the Dispute Resolution Process and shall become effective immediately upon execution by all parties.

It IS SO AGREED.

Richard Gillespie
Richard Gillespie
Northern Division, Naval Facilities
Engineering Command
Department of the Navy

date 9/10/91

Merril S. Hohman
Merril S. Hohman, Director
Waste Management Division
Region I
United States Environmental Protection
Agency

date 9/19/91

Alan M. Prysunka
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State of Maine
Department of Environmental Protection

date 9/23/91

